

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CV-80992-RLR

ROMSPEN INVESTMENT LP,

Plaintiff,

v.

STEPHEN J. DIBERT, et. al.,

Defendants.

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**ORDER GRANTING PLAINTIFF’S MOTION DEEMING SERVICE ON  
ADEENA WEISS ORTIZ PROPER [ECF No. 227], DENYING HER MOTION  
TO QUASH (ECF No. 232), AND ORDERING HER TO APPEAR FOR A  
DEPOSITION ON MARCH 28, 2025**

Presently before the Court is Plaintiff’s motion for an order deeming Ms. Weiss-Ortiz and her Firm to have been properly served with a subpoena setting her deposition for March 28, 2025. ECF No. 227. Also before the Court is Ms. Weiss-Ortiz’s motion to quash the subpoena, alleging improper service. ECF No. 232.

Plaintiff’s motion is **GRANTED** and Ms. Weiss-Ortiz’s motion is **DENIED**. I reject Ms. Weiss-Ortiz’s argument that Plaintiff’s attempt at personal service was ineffective because the process server was not properly registered under Illinois law. Rule 45 says service is proper by anyone “who is at least 18 years old and not a party.” Fed. R. Civ. P. 45(b)(1). In any event, it is well settled that “[a] Rule 45 subpoena does not require personal service. Rather, it requires service reasonably calculated to ensure receipt of the subpoena by the witness.” *Oppedisano v. Skroder*, No. 22-61802-MC, 2022 WL 18704601, at \*3 (S.D. Fla. Nov. 23, 2022). Here, the emails

attached to Plaintiff's response papers reveal that Ms. Weiss-Ortiz did in fact receive the subpoena via email with more than two weeks' notice. ECF No. 236, Exhibit 1. *See Rainey v. Taylor*, No. 18-24802-mc, 2019 WL 1922000, at \*2 (S.D. Fla. Apr. 30, 2019) (finding that electronic service of a subpoena was proper after diligent attempts at personal service failed and the recipient received actual notice of the subpoena). Accordingly, I find that the subpoena was properly served and Ms. Weiss-Ortiz is hereby ORDERED to appear in person for her deposition on March 28, 2025.

**DONE and ORDERED** in Chambers at West Palm Beach, Palm Beach County, in the Southern District of Florida, this 26th day of March 2025.

A handwritten signature in black ink, appearing to read "Bruce Reinhart", written in a cursive style.

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BRUCE E. REINHART  
UNITED STATES MAGISTRATE JUDGE